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9 STEVEN TUTOR

COPY

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FILED

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

STEVEN TUTOR,

Plaintiff,

v.

SIGNATURE MANAGEMENT
SOLUTIONS,

Defendant.

Case No.

CV11-03106

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

(Unlawful Debt Collection Practices)

VERIFIED COMPLAINT

STEVEN TUTOR (Plaintiff), by her attorneys, KROHN & MOSS, LTD., alleges the following against SIGNATURE MANAGEMENT SOLUTIONS, (Defendant):

INTRODUCTION

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 *et seq.* (FDCPA).
2. Count II of the Plaintiff's Complaint is based on Rosenthal Fair Debt Collection Practices Act, *Cal. Civ. Code §1788 et seq.* (RFDCPA).

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court

1 without regard to the amount in controversy," and 28 U.S.C. 1367 grants this court
2 supplemental jurisdiction over the state claims contained therein.

3 4. Defendant conducts business in the state of California, and therefore, personal
4 jurisdiction is established.

5 5. Venue is proper pursuant to 28 U.S.C. 1391(b)(1).

6 PARTIES

7 6. Plaintiff is a natural person residing in West Covina, Los Angeles County, California.

8 7. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to
9 Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5)
10 and Cal. Civ. Code § 1788.2(h).

11 8. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6) and Cal. Civ.
12 Code § 1788.2(c), and sought to collect a consumer debt from Plaintiff.

13 9. Defendant is a national company with its headquarters in Charlotte, North Carolina.

14 10. Defendant acted through its agents, employees, officers, members, directors, heirs,
15 successors, assigns, principals, trustees, sureties, subrogees, representatives, and
16 insurers.

17 FACTUAL ALLEGATIONS

18 11. Defendant places collections calls to Plaintiff seeking and demand payment for an
19 alleged debt.

20 12. Defendant calls Plaintiff at 909-272-7563.

21 13. Defendant calls Plaintiff from 877-289-1126.

22 14. Defendant threatened to file a lawsuit against Plaintiff if Plaintiff did not pay the alleged
23 debt.

24 15. Defendant threatened Plaintiff that he would go to jail if he did not pay the alleged debt.

25 16. On February 8, 2011, Plaintiff's counsel sent correspondence to Defendant's counsel.

1 17. On February 23, 2011, Defendant called Plaintiff seeking and demanding payment for an
2 alleged debt.

3
4 **COUNT I**
5 **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

6 18. Defendant violated the FDCPA based on the following:

- 7 a. Defendant violated §1692c(a)(2) by contacting Plaintiff once Defendant knew
8 Plaintiff was represented by an attorney with respect to the alleged debt.
- 9 b. Defendant violated §1692d of the FDCPA by engaging in conduct the natural
10 consequence of which is to harass, oppress, or abuse the Plaintiff in connection
11 with the collection of a debt.
- 12 c. Defendant violated §1692e(4) of the FDCPA by falsely implying that Plaintiff's
13 non-payment of her alleged debt would result in Plaintiff's arrest or
14 imprisonment.
- 15 d. Defendant violated §1692e(5) of the FDCPA by threatening to file a lawsuit
16 against Plaintiff even though Defendant does not intend to do so.
- 17 e. Defendant violated §1692e(7) of the FDCPA by falsely representing and/or
18 implying that Plaintiff committed a crime in order to disgrace the Plaintiff.
- 19 f. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an
20 attempt to collect a debt by falsely implying that Plaintiff's non-payment of her
21 alleged debt would result in Plaintiff's arrest or imprisonment.
- 22 g. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an
23 attempt to collect a debt by threatening to file a lawsuit against Plaintiff even
24 though Defendant does not intend to do so.
- 25 h. Defendant violate §1692e(10) of the FDCPA by using deceptive means in an
attempt to collect a debt by falsely representing and/or implying that Plaintiff
committed a crime in order to disgrace the Plaintiff.

1 WHEREFORE, Plaintiff, STEVEN TUTOR, respectfully requests judgment be entered
2 against Defendant, SIGNATURE MANAGEMENT SOLUTIONS, for the following:

- 3 19. Statutory damages pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
4 20. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act,
5 *15 U.S.C. 1692k*
6 21. Any other relief that this Honorable Court deems appropriate.

7
8 **COUNT II**
9 **DEFENDANT VIOLATED THE ROSENTHAL FAIR DEBT COLLECTION**
10 **PRACTICES ACT**

- 11 22. Plaintiff repeats and realleges all of the allegations in Count I of Plaintiff's Complaint as
12 the allegations in Count II of Plaintiff's Complaint.
13 23. Defendant violated the RFDCPA based on the following:
14 a. Defendant violated §1788.10(e) of the RFDCPA by threatening Plaintiff that the
15 nonpayment of her alleged debt may result in the arrest of Plaintiff when such
16 action is not in fact not contemplated by Defendant or permitted by law.
17 b. Defendant violated §1788.13(j) of the RFDCPA by falsely representing that a
18 legal proceeding is about to be instituted unless payment of a consumer debt is
19 made by Plaintiff.
20 c. Defendant violated §1788.14(c) of the RFDCPA by initiating communications
21 with Plaintiff when Defendant has been previously been notified in writing by
22 Plaintiff's attorney that Plaintiff is being represented by such attorney.
23 d. Defendant violated §1788.17 of the RFDCPA by continuously failing to comply
24 with the statutory regulations contained within the FDCPA, *15 U.S.C. § 1692 et*
25 *seq.*

WHEREFORE, Plaintiff, STEVEN TUTOR, respectfully requests judgment be entered
against Defendant, SIGNATURE MANAGEMENT SOLUTIONS, for the following:

- 1 24. Statutory damages pursuant to the Rosenthal Fair Debt Collection Practices Act, *Cal.*
2 *Civ. Code* §1788.30(b),
3 25. Costs and reasonable attorneys' fees pursuant to the Rosenthal Fair Debt Collection
4 Practices Act, *Cal. Civ Code* § 1788.30(c), and
5 26. Any other relief that this Honorable Court deems appropriate.
6

7 **DEMAND FOR JURY TRIAL**

8 PLEASE TAKE NOTICE that Plaintiff, STEVEN TUTOR, demands a jury trial in this
9 case.
10

11 DATED: April 8, 2011

12 RESPECTFULLY SUBMITTED,

13 KROHN & MOSS, LTD.

14 By: _____

15 Mahadhi Corzano
16 Attorney for Plaintiff
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VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF CALIFORNIA

Plaintiff, STEVEN TUTOR, states as follows:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.

Pursuant to 28 U.S.C. § 1746(2), I, STEVEN TUTOR, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

DATE: 03-17-2011


STEVEN TUTOR

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PLAINTIFF'S COMPLAINT-

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

STEVEN TUTOR

CASE NUMBER

PLAINTIFF(S)

CV11-03106 FFM

v.

SIGNATURE MANAGEMENT SOLUTIONS

DEFENDANT(S).

SUMMONSTO: DEFENDANT(S): SIGNATURE MANAGEMENT SOLUTIONS

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ _____ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Mahadhi Corzano, Esq., whose address is Krohn & Moss, Ltd.; 10474 Santa Monica Blvd., Suite 401; Los Angeles, CA 90025. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

APR 13 2011

Clerk, U.S. District Court

SEAL**JULIE PRADO**

Dated: _____

By: _____

Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].